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Before the

FEDERAL COMMUNICATIONS COMMISSION RECEIVED

Washington, D.C. 20554

JUL 16 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Denison-Sherman, Paris,
Jacksboro, Texas, and
Madill, Oklahoma)

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MM Docket 95-126
RM-8671

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REQUEST TO REMOVE AUTOMATIC STAY

Hunt Broadcasting, Inc. ("KDVE"), licensee of Station KDVE(FM), Denison-Sherman, Texas, by its counsel, hereby requests that the Commission remove the automatic stay created by the filing of a Petition for Reconsideration by Carephil Communications, licensee of Station KBUS(FM) ("KBUS"), Paris, Texas, in this proceeding. In support hereof, KDVE states as follows:

1. The Report and Order, 11 FCC Rcd 5316 (1996), in this proceeding, inter alia, (1) substituted Channel 269C1 for Channel 269C3 at Denison-Sherman, Texas, and modified the license of Station KDVE accordingly; and (2) substituted Channel 282C2 for Channel 270C2 at Paris, Texas, and modified the license for Station

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KBUS accordingly. KBUS did not oppose the proposed substitution when it had the opportunity to do so but has now filed a Petition for Reconsideration complaining that KDVE has not agreed to its proposal for reimbursement of expenses.

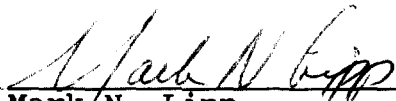
2. In a separate pleading, KDVE reports that it filed an application for Channel 269C1 at Denison-Sherman, Texas, on July 12, 1996, at a transmitter site which meets the spacing requirements to KBUS' existing Channel 270C2. Therefore, KDVE no longer requires that KBUS change to Channel 282C2. Accordingly, KBUS' Petition for Reconsideration can be immediately dismissed as moot.

3. Section 1.420(f) of the Commission's Rules imposes an automatic stay on the Commission's decision pending action on the Petition for Reconsideration. Although the exact wording of the rule mentions only the authorization of a "different channel," KDVE presumes this rule would stay the effect of an upgrade on KDVE's Channel 269 as well. However, the Commission, on its own motion, has proposed to eliminate this rule. See Amendment of Section 1.420(f) of the Commission's Rules Concerning automatic Stay of Certain Allocations Orders, 10 FCC Rcd 7753 (1995). The Commission recognizes that non-meritorious petitions for reconsideration can result in substantial delay to licensees seeking to upgrade. Here, KDVE has successfully demonstrated and the Commission has ruled that KDVE's channel substitution is in the public interest. KBUS' Petition for Reconsideration is based entirely on the amount of

reimbursement that it seeks. However, KBUS does not need to change channels and its reimbursement request is therefore moot. Accordingly, KDVE urges the Commission to remove the automatic stay to allow the pending KDVE application to be processed or, in the alternative, to dismiss the pending Petition for Reconsideration as moot. KDVE states that it is willing to risk an adverse decision on the Petition for Reconsideration, if the Commission will remove the automatic stay.

Respectfully submitted,

HUNT BROADCASTING, INC.

By: 
Mark N. Lipp

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Its Counsel

July 16, 1996

CERTIFICATE OF SERVICE

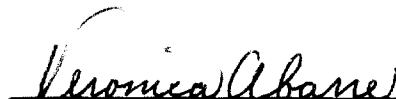
I, Veronica Abarre, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., hereby certify that I have this 16th day of July, 1996, sent by first-class U.S. Mail, postage prepaid, copies of the foregoing "REQUEST TO REMOVE AUTOMATIC STAY" to the following:

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